

PROB 12C
(7/93)

Report Date: February 3, 2014

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB 03 2014

SEAN P. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Mario Daniel Irizarry

Case Number: 0980 2:08CR00017-001

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: June 11, 2009

Original Offense: Felon in Possession of Ammunition, 18 U.S.C. § 922(g)(1) and 924; Possession with Intent to Distribute a Mixture or Substance Containing 5 Grams or More of a Detectable Amount of Pure Methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii)

Original Sentence: Prison 60 months; Type of Supervision: Supervised Release
TSR - 48 months

Asst. U.S. Attorney: Pamela J. Byerly

Date Supervision Commenced: May 20, 2013

Defense Attorney: Roger Peven

Date Supervision Expires: May 19, 2017

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

1

Special Condition # 15: You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

Supporting Evidence: On January 8, 2014, Mr. Irizarry was a client of ADEPT services, and participating in outpatient treatment. The offender met with his assigned probation officer, Richard Law, and advised that he was using methamphetamine daily, and that he could not stop using it for longer than 3 days at a time. Mr. Irizarry's case was evaluated by ADEPT, and a recommendation was made that he complete inpatient drug treatment.

On January 22, 2014, Mr. Irizarry reported to inpatient treatment at Sunray Court in Spokane, Washington. On February 1, 2014, he aborted treatment without permission.

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Special Condition # 16: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Irizarry submitted a urine sample on January 8, 2014, which tested positive for methamphetamine. When confronted by Richard Law, U.S. probation officer, he admitted to drug use. Mr. Irizarry attended his Sobriety Treatment and Education Program (STEP) session on January 16, 2014. He did not receive a sanction for the drug use, but was advised his treatment level would be increased to inpatient.

Mr. Irizarry reported to Sunray Court for inpatient treatment on January 22, 2014. At the time of his intake, staff suspected that he was under the influence of methamphetamine and confronted the offender. Mr. Irizarry admitted that he was currently under the influence of methamphetamine at the time he reported for drug treatment.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/03/2014

s/Matthew L. Thompson

Matthew L. Thompson
Supervising U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer


Date